

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

PATRICIA J. GIBSON)
Plaintiff,)
)
v.) CIVIL ACTION NO.: 03-06cv974-MEF-TFM
)
WESTPOINT STEVENS, INC.)
et al.,)
Defendants.)

PLAINTIFF'S MOTION FOR RECONSIDERATION OF MAGISTRATE'S ORDER

The Plaintiff, by and through her attorney of record, respectfully submits this Motion for Reconsideration to this Honorable Court of the Magistrate's Order issued 14 May 2007 (Doc. #30), granting the Defendants' Motion for Fees and Expenses (Doc. #24), for recovery of expenses incurred in pursuing their Motion to Compel (Doc. #18). As grounds, the Plaintiff offers the following for the Court's consideration:

1. That the Plaintiff is indigent and does not have the resources to pay the \$2,500.00 award (*see attached Exhibit A*);
2. That the Plaintiff filed an Objection to Defendants' Motion for Attorney's Fees and Expenses (Doc #28), which included substantial justification for the delay that occurred in responding to the Defendants' discovery requests, and that, but for the extenuating circumstances, the Plaintiff would have timely responded;
3. That the Plaintiff has fully responded to the Defendants' discovery requests;
4. That the Defendants have not been prejudiced in any way by the Plaintiff's delay in responding to the discovery requests;
5. That the Plaintiff never refused to respond to the Defendants' discovery requests, and

did in fact request of the Defendants' counsel two extensions to file said responses, both of which were agreed upon;

6. That, when considering the totality of the circumstances before the Court regarding this matter, it would be unjust to uphold this decision; and,
7. That this Honorable Court has the discretion to reconsider this nondispositive pretrial matter, and to set it aside.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff prays that this Honorable Court will reconsider this matter and rule upon the issues accordingly.

Respectfully submitted,

s/Lateefah Muhammad

Lateefah Muhammad (Ala. Code MUH001)
ATTORNEY FOR PLAINTIFF

Lateefah Muhammad, Attorney At Law, P.C.
Post Office Box 1096
Tuskegee, Alabama 36087
(334) 727-1997 telephone and facsimile
lateefahmuhammad@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on 13 June 2007, I electronically filed the foregoing Plaintiff's Motion for Reconsideration of the Magistrate's Order with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: James C. Pennington, Esquire and Fred Suggs, Jr., Esquire, attorneys for Defendants.

s/Lateefah Muhammad

Lateefah Muhammad

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

PATRICIA J. GIBSON)
Plaintiff,)
)
v.) CIVIL ACTION NO.: 03-06cv974-MEF-TFM
)
WESTPOINT STEVENS, INC.)
et al.,)
Defendants.)

AFFIDAVIT OF PATRICIA J. GIBSON

The Affiant, being first duly sworn, says and affirms the following:

1. That she has received and reviewed the Court's Order granting the Defendants' expenses in the above case;
2. That the award of expenses to the Defendants' attorneys places a severe hardship upon her and her family in that she does not have the resources to pay the \$2,500.00 award;
3. That her present income barely covers her family's basic necessities on a monthly basis and that her husband has no income or any means of presently earning an income;
4. That she is the party who has been harmed in that, due to the Defendants' actions and inactions, she has lost her home, a substantial portion of her retirement pension and her health care coverage;
5. That she believes that her delays in responding to the Defendants' discovery requests were substantially justified and that the award of expenses to their attorneys is truly unjust; and,
6. That she respectfully asks the Court to reconsider its decision.

The Affiant further saith not.

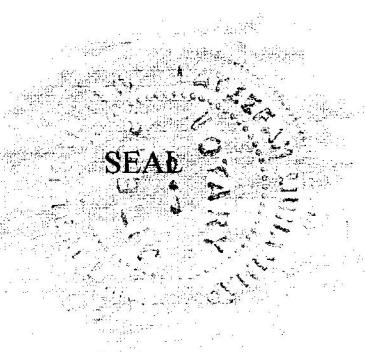


Patricia J. Gibson, Affiant

STATE OF ALABAMA)
)
MACON COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Patricia J. Gibson, who, being first duly sworn, deposes and says that she has read the foregoing Affidavit, that the facts herein are true and correct to the best of her knowledge and ability.

SWORN TO AND SUBSCRIBED BEFORE ME this 13th day of June, 2007.


Lateefah Muhammad
Notary Public

My Commission expires: 12/03/08